IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-9834-2014 (O&M)
(MACT No.257 dt.6.12.2012)
Date of decision: 17.5.2016

Gurpreet Singh and another

...Appellants

Versus

Gaurav Khurana and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Vaibhav Sehgal, Advocate for the appellants

Respondents No.1,2, 4 to 6 ex-parte

Mrs.RN Singhal, Advocate for respondent No.3

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SNEH PRASHAR, J.

Claimants-appellants, who are son and daughter of deceased Gurmit Singh, had filed the present appeal for enhancement of the compensation awarded to them alongwith respondents No.4, widow and respondents No.5 and 6 parents of the deceased, by learned Motor Accident Claims Tribunal, Fast Track Court, Ludhiana (hereinafter referred to as 'the Tribunal') vide award dated 30.10.2013 on account of death of Gurmit Singh in a motor vehicular accident that took place on 28.10.2012.

The submissions made by Mr.Vaibhav Sehgal, Advocate representing the appellants and Mr.RN Singhal, Advocate for respondent No.3- Insurance Company have been heard and record perused.

It is submitted on behalf of the appellants that the deceased

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was doing the business of electric goods under the name and style of M/s G.S.D. Electrical and used to earn Rs.20,000/- per month, but learned Tribunal erred in assessing his income as Rs.5000/- per month. No amount computing future prospects of the deceased and for loss of love, care and guidance to the children and for loss of love and affection to the mother was allowed.

No substantive and reliable evidence was produced by the appellants to prove that the deceased was engaged in business of electric goods and was earning Rs.20,000/- per month. In absence of required evidence, learned Tribunal assessed the income of the deceased as Rs.5000/- per month, which calls for no intervention. Perusal of the award shows that no amount was added to the income computing future prospects of the deceased. Following the ratio of ***Rajesh and others vs. Rajbir Singh and others, 2013(3) R.C.R. (Civil) 170*** since the deceased was 32 years aged, there had to be an addition of 50% to the actual income of the deceased on account of future prospects, which learned Tribunal failed to allow. The multiplier of 16 and deduction of 1/4th towards personal and living expenses of the deceased have been rightly made by learned Tribunal.

Further a sum of Rs.One lac is allowed to the children in equal share on account of loss of love, care and guidance and also Rs.50,000/- is allowed to the mother of the deceased for loss of love and affection. The widow of the deceased has already been granted a sum of Rs.one lac under the head of loss of consortium and Rs.25,000/- for funeral expenses, which calls for no intervention.

Accordingly, the total compensation comes to Rs.13,55,000/- i.e. Rs.5000 (monthly income)+ 50% (future prospects) -1/4rd (deduction on account of living and personal expenses of the deceased) x 12 x 16 (multiplier) + Rs.2,75,000 (under conventional heads including the amount already awarded). The enhanced amount i.e. Rs.5,10,000/- (13,55,000- 8,45,000) shall be paid to the appellants and respondents No.4 to 6 (respondent No.4 is the widow and respondents No.5 and 6 are the parents of the deceased) within two months from the date of the receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of the filing of the appeal till its realisation.

With the above modification in the impugned award, the present appeal is partly allowed.

17.5.2016 **(SNEH PRASHAR)**
gsv **JUDGE**